

REMARKS

I. Summary of Office Action

Claims 4-8, 14-18, and 21-30 were pending in the application.

Claims 4, 8, 14, 18, and 21-30 were rejected under U.S.C. § 103(a) as being obvious over Brenner et al. U.S. Patent No. 5,830,068 (hereinafter "Brenner") in view of Schneier et al. U.S. Publication No. 2009/0227367 (hereinafter "Schneier '367"). These rejections are respectfully traversed.

II. Applicants' Reply

A. Overview of Applicants' Claimed Invention

Independent claims 4 and 14 are directed toward a method and system of providing a user interface for interactive wagering. An indication of a first wagering preference is received from a first user. The first wagering preference is stored during a first user session. A first user is identified in at least one first subsequent user session. The stored first wagering preference is then used as a default selection in subsequent wagers in at least one of the first subsequent user sessions in response to identifying the first user. The subsequent wagers are associated with at least a track selection, a race selection, a bet type selection, a bet amount selection, and a horse selection. The user is also provided with an opportunity to change the default selection for at least one of the subsequent wagers from the default selection to

another selection.

The Examiner alleges that all these claimed features are obvious over Brenner in view of Schneier '367.

Applicants respectfully disagree.

B. The Disclosure of Schneier '367 Relied on by the Examiner is Not Prior Art

In making the § 103(a) rejections, the Examiner relies on paragraph 68 and the Abstract of Schneier '367 to show applicants' claimed feature of storing a wagering preference in a first user session and using that stored wagering preference in a subsequent user session. The disclosure of Schneier '367 relied on by the Examiner, however, is not prior art to applicants' claimed invention. Schneier '367 was filed on April 27, 2009 and is a continuation of:

- U.S. Application No. 11/934,856, filed November 5, 2007, now U.S. patent 7,524,245, which is a continuation of:
- U.S. Application No. 10/246,099, filed September 17, 2002, now abandoned (hereinafter "Schneier '099"), which is a continuation in part of:
- U.S. Application No. 09/895,648, filed June 29, 2001, now U.S. patent 6,450,885, which is a continuation of:
- U.S. Application No. 09/488,608, filed January 20, 2000, now U.S. patent 6,264,557 (hereinafter "Schneier '557"), which is a continuation of:
- U.S. Application No. 08/775,588, filed December 31, 1996, now U.S. patent 6,099,408 (hereinafter "Schneier '408").

Thus, the only priority applications of Schneier '367 that have a filing date earlier than applicants' December 4,

2000 filing date are Schneier '557 and Schneier '408. Schneier '557 and Schneier '408, however, do not fully support the disclosure of Schneier '367.

As stated above, the Examiner relies on paragraph 68 and the Abstract of Schneier '367 in the rejections of applicants' claims. Paragraph 68, however, is missing from both Schneier '557 and Schneier '408. In addition, the Abstract of Schneier '367 is different than the Abstracts of Schneier '557 and Schneier '408. The subject matter of paragraph 68 and the Abstract of Schneier '367 were first included in Schneier '099, which was filed almost two years after applicants' filing date (i.e., September 17, 2002 versus December 4, 2000). Accordingly, the disclosure of Schneier '367 the Examiner relies on is not prior art to applicants' claimed invention. On this basis alone, applicants respectfully submit that the Examiner's § 103(a) rejections of applicants' claims are improper and should be withdrawn.

C. Even if Schneier '557 or Schneier '408 Were Combined with Brenner, the Combination Would Still Fail to Disclose Applicants' Claimed Invention

The Examiner concedes that Brenner does not explicitly disclose storing a wagering preference in a first user session and using that stored preference in a subsequent wagering session. The Examiner relies on Schneier '367 to make up for this deficiency of Brenner. While the Schneier '367 refers to storing "player preferences" for wager type and/or wager amount, this disclosure is not supported by either Schneier '557 or Schneier '408.

Moreover, applicants respectfully submit that even if Schneier '557 or Schneier '408 were combined with Brenner, the combination would still fail to disclose storing wagering preferences in a first user session and using that stored wagering preference in a subsequent wagering session.

Instead of disclosing "player preferences," Schneier '557 and Schneier '408 only refer to "game preferences" as follows:

Player database 255 maintains data on players, and includes fields such as name, address, credit card number, phone number, ID number, social security number, electronic mail address, past system usage, public/private key information, and game preferences. This information is preferably obtained when the player first registers with the system.

Schneier '557, col. 5:9-15, emphasis added. Schneier '557 and Schneier '408 state that "game preferences" are stored in a database, but nowhere do these references discuss what the stored game preferences are used for. Indeed, the term "game preferences" does not appear in any other portion of the references. Accordingly, Schneier '557 and Schneier '408 do not disclose storing or using a wagering preference as a default selection in subsequent wagers. Therefore, even if Schneier '557 or Schneier '408 were combined with Brenner, the combination would still fail to show or suggest using a stored wagering preference as a default selection in subsequent wagers in at least one subsequent user session as required by applicants' claims.

For at least the foregoing independent reason, applicants submit that independent claims 4 and 14, and dependent claims 8, 18, and 21-30, are allowable over Brenner, Schneier '557, and Schneier '408. Applicants respectfully request, therefore, that the rejection of claims 4, 8, 14, 18, and 21-30 be withdrawn.

D. Brenner Does Not Disclose Player Wagering Preferences

The Examiner maintains his position that Brenner's "duplicate a wager" and "more bets same race" functions can be considered saved player preferences. See Office Action, p. 3. The Examiner further maintains that Brenner teaches using a stored wagering preference in response to identifying the first user. *Id.* For the reasons set forth in applicants' October 5, 2009 Reply to Office Action, February 5, 2009 Reply to Final Office Action, and February 6, 2008 Reply to Office Action, applicants disagree and submit that this characterization of Brenner is unreasonable especially in light of applicants' specification. As the Examiner is aware, claims must be "given their broadest reasonable interpretation consistent with the specification." MPEP § 2111; see *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005).

In Brenner, the settings from the "duplicate a wager" and "more bets same race" functions are used during the creation of a next wager. See Brenner col. 12, lines 27-51. The user might select one of these buttons more than one time, but each time the user presses the button the selections from the immediately preceding wager are used.

After the user quits the interactive wagering interface and exits the user session, additional wagers using that same stored wagering preference are impossible. Rather, the user must manually create a new wager and with new selections because no immediately preceding wager for that user exists.

III. Conclusion

In view of the foregoing, claims 4, 8, 14, 18, and 21-30 are in condition for allowance. The Office Action has withdrawn claims 5-7 and 15-17 from consideration as directed to a non-elected species. Applicants respectfully request that these claims be rejoined because the generic claims (i.e., independent claims 4 and 14) are in condition for allowance. This application is therefore in condition for allowance.

Reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

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